



# City of Carmel

## CARMEL PLAN COMMISSION SPECIAL STUDIES COMMITTEE

TUESDAY, AUGUST 31, 2004

*(Special Meeting)*

### Minutes

The Special Studies Committee met in the Caucus Rooms of City Hall on August 31, 2004 at 7:00 PM. The Special Meeting was to discuss a single item Agenda for Walnut Creek Marketplace, now known as West Carmel Marketplace.

Committee members in attendance: Jerry Chomanczuk; Wayne Haney; Mark Rattermann; Madeleine Torres. John Molitor, legal counsel, and John Myers, traffic engineer with HNTB Architects Engineers Planners were also present.

#### **The Special Studies Committee considered the following item:**

1. **Docket No. 04050028 DP/ADLS: Walnut Creek Marketplace (now known as West Carmel Marketplace) Development Plan and ADLS**

The applicant proposes a retail center. The site is located northeast of 99th Street and Michigan Rd/US 421. The site is zoned B-3/Business and B-2/Business within the US Highway 421 Overlay.

Filed by Mary Solada of Bingham McHale for Duke Realty.

**Present for the Petitioner:** Mary Solada, attorney with Bingham, McHale; Cindy Schembre, Senior Vice President, Retail Operations, Duke Realty; Tom McLaughlin, Pre-Construction Manager, Duke Realty; Matt Brown, traffic engineer with A & F Engineering; Greg Snelling, Woolpert & Assoc.; Brent Davis, CSO Architects and Engineers; Brad Ewing, Land Planner, Bingham, McHale.

Five subject matters presented this evening as follows: 1) Revised Site Plan and Landscaping Plan. 2) Architectural Detail. 3) Signage. 4) Access. 5) Neighborhood Association Issues.

\*Note: The Speedway parcel is not to be a part of this project.

The site plan reflects Hamilton County and City of Carmel design criteria regarding the extension of Commerce Drive and conforms to the County and City Thoroughfare Plan. Block G is not a part of this ADLS submittal; to date, there is no user, and no site plan. Block G will

return in a year or two and go through this same process.

The **Landscape Plan** shows 150 new plantings in the wetlands area. Essentially, the Order from DNR requires leaving the wetlands area “As Is,” and nothing further is required by Duke Realty. The Landscape Architect from Duke Realty has met with the City Urban Forester, Scott Brewer, and 150 plantings have been agreed upon that meet the wetlands requirements. This requires going to the State and getting their stamp of approval, but the types of plantings in the wetlands area meet the objectives of the Department of Community Services.

Cindy Schembre displayed an exhibit showing the existing vegetation along the north, east and south boundaries. Williams Creek was hired to do a tree survey. The Survey is included in the informational material as Exhibit I-2 and shows the following: Number of trees, types of trees, photographs of trees, and location and acreage of the ponds as well as the location of the wetlands area where re-forestation will occur in accordance with the wetlands plan submitted for permitting.

Exhibit I-3 is a copy of the Order that was presented which says, “No remediation is required.” Although not required, Duke will plant trees and shrubs in accordance with the wetlands requirements. In accordance with discussion between Brett Kercheval, landscape architect with Duke Realty, and Scott Brewer, City Urban Forester, additional buffer plantings will be installed pursuant to neighbors in Ashbrook Subdivision. Duke Realty agreed with Spring Arbor to provide funds for trees not only on Duke’s property, but also on Spring Arbor property; the Spring Arbor HOA will be involved at the time planting occurs. In addition, Duke has agreed to supply the funds for a fence along the pond or landscaping instead. Approximately the same thing will be done for each of the neighborhoods. Duke is not yet in complete agreement with Ashbrook, but the work is in progress. The understanding is that a 25 foot landscape buffer and a 30 foot setback is required—Duke is providing more than is required in a 300 foot setback and additional landscaping.

**Architectural Detail.** In response to requests from DOCS, the petitioner has submitted specifications for lighting, particularly along the east elevation. Elevational drawings have also been addressed in greater detail. On the property line facing east, the rear elevation, significant architectural features have been added; those features include cornices, red brick dominant façade in Georgian style, stone base, stone medallions, transoms, and upper and intermediate freesia. This is not just a big brick box but rather, a lot of detail and effort has been put into coming up with a unique design standard for a centrum likeness.

**Signage.** Duke has reached some accord with the Department on appropriate signage to bring the kinds of retailers that the community would like to see here and still be sensitive to the needs of the Department and create a consistent architectural theme. A variance will be required for the wall signs, but the square footage has been reduced to 225 square feet, limited to 4-foot tall letters. Duke has also agreed to limited color options on the signs. There are two large monument signs, 12 feet tall, 2 feet, 10 inches decorative cap, located at 99<sup>th</sup> Street and at Retail Parkway, and will prominently display the West Carmel Marketplace as the center name. A smaller ground sign, 6 feet tall with a one-foot 9-inch cornice at the top will appear at Commerce

Drive and 99<sup>th</sup> Street. Duke has agreed to white or bronze individual lettering with cream, opaque background. The “B” shops wall signs are in compliance with the Code and no variances are necessary.

**Access.** The Department has asked Duke to address the benefits of a connection from 99<sup>th</sup> Street and Commerce Drive to the west of Michigan Road, and snaking around ultimately to 96<sup>th</sup> Street on the other side of Michigan Road. By making the connection, there is an enhancement to the street network system. A & F Engineering will address the specifics of how that can be clearly established.

Duke has agreed not to make the curb cut from 99<sup>th</sup> Street onto Michigan Road, and the traffic signalized intersection would not be activated and opened until Duke obtains approval for development of Block G. Duke would defer the connection and activation of the signal until the future is determined for Block G and approval is obtained. Before activation of the signal, traffic will rely on right in/right out at the south end of the development, and medians will be installed on Michigan Road.

Matt Brown, A & F Engineering explained the benefits the proposed signal and associated access would have on the street system as laid out. The proposed exit will be a great opportunity to avoid the intersection and access not only the existing Target store but land uses proposed by Duke. 99<sup>th</sup> Street exists at Mayflower—with the signal, it will create an opportunity to do the same thing that Commerce Drive does—bring people from the west off Mayflower, through 99<sup>th</sup> Street, into the Duke project and the existing Target. It will help existing users turning left and traveling to some destination north of 106<sup>th</sup> Street or to 106<sup>th</sup> Street. Looking at a few different scenarios, the movements that are helped by this connection are specifically the eastbound left turn movement, and the southbound right-turn movement at 96<sup>th</sup> and Michigan. Anywhere from 32 to 157 vehicles in the PM peak hours can be taken away from the 96<sup>th</sup> and Michigan Road intersection—not including Commerce Drive—and this is a big benefit. 96<sup>th</sup> and Michigan is a most critical intersection—the task is to take traffic away from this intersection.

Mary Solada reminded the Committee that BZA variance approval is required for the curb cut at 99<sup>th</sup> Street and the items mentioned this evening would be conditioned upon the granting of the variance by the BZA.

In summary, Duke believes this proposal to be a very fine project and something that the Plan Commission, the neighborhood and the entire community would be proud of. Members of the public can see any retail development undertaken by Duke in Indianapolis—the quality of the plantings, the quality of maintenance, and the quality in general of the upkeep, not only the building but the grounds as well. The proposed development will be a community asset and the types of tenants with national recognition will be a benefit to the entire community. At this time, the petitioner is requesting closure at the Committee level and forwarding to the full Commission on September 21<sup>st</sup> with a positive recommendation.

Department Comments, Jon Dobosiewicz. The Department comments are limited to two main focus issues. The landscaping and treatment around the perimeter of the site adjacent to

residential, and the other regards the access to this site. The landscape proposal meets the Ordinance requirements and no relief is being requested along the perimeter of the site. In fact, the proposed plantings submitted in the booklet meet the requirements in the Ordinance; the additional plantings identified on the Exhibit this evening would be in addition to the proposal in the booklet. All of the landscaping proposals need to be bundled in the form of a written commitment for Department review, comment, and recommendation to the full Commission prior to the September 21<sup>st</sup> meeting, providing it is forwarded out of Committee this evening. Everything said this evening is made a part of the petition and listed as a commitment. Additional discussion with regard to issues surrounding the perimeter needs to be prefaced on the fact that the standards set forth in the Ordinance are met. Anything above and beyond the Ordinance requirements is an issue. The Plan Commission needs to ultimately be the deciding force between what the residents are requesting and what Duke is willing to install that is above and beyond what the Ordinance requires.

John Myers, traffic engineer with HNTB Architects, Engineers, and Planners addressed the Committee relative to the traffic study submitted by Duke Realty. Mr. Myers' role is to review the technical elements of the traffic study, look at the process, the assumptions, the calculations, and make sure it makes sense in the way that one engineer checks another's work. Mr. Myers has been involved in a number of these studies in the past and brings a different perspective from having been involved in the City Thoroughfare Plan and a number of traffic studies in the past.

Regarding a review of the traffic study: Ordinarily a traffic study looks at a development and computes how much traffic will be generated, what it will do to the streets around the site, and what needs to be done to make certain the streets will accommodate the development. The traffic study does not include signals, turn lanes, added lanes, and other variables. This work has been done as a part of the traffic study. Since this development is within the Overlay Zone for Michigan Road, there is another element—existing access is to be used, new access points will not be made unless it can be shown that it is necessary to have new access points—this is a different twist.

Regarding the Systems Planning. There is an existing access point, Retail Parkway, and there is a traffic signal at this location. Traffic will not work exactly the way it is, but if a left turn lane were added at this intersection, it would work. In other words, the existing access point could be utilized, a left turn lane could be added, and the existing traffic signal could be utilized. Retail Parkway is a public roadway, not private, and that could be done. For what we are seeing here, the single access point in terms of this development could work. The study recommends a traffic signal to best serve this development. There are two signals on this part of Michigan Road. Additional studies were done to look at the synchronization of traffic signals in this area; the additional signal will not hurt the timing of signals in being able to move through the area with green lights. The demands are high at 106<sup>th</sup> and Michigan Road—demand is especially high at 96<sup>th</sup> Street and Michigan Road and the green time (allocating capacity at an intersection) is great at each end of these sections and there is a lot of flexibility and demands are not nearly as great at Commerce Drive. A second signal will have an effect; there are other conflict points and high traffic conditions in this area. For the most part, the additional signal will not have the kind of significant effect that adding lights often has. Sometimes, adding an additional light in

the wrong place destroys the progression on a route. Kokomo is an example—the intersections are in the wrong place—it is geometry and having to get two-way signal progression—those are issues you cannot fix, but we don't have those issues here.

From a systems standpoint, the shining star here is 96<sup>th</sup> and Michigan Road. This intersection serves as the neck of a funnel for a very large area where traffic comes from the east, west, and north. This area has a very large drainage shed. If we can get traffic out of this intersection that does not have to be there, it will help. It will help the people that are going somewhere that do not have to drive through this intersection, and it will help the people that do not have a choice that have to drive through it, because they are not at this location using the precious green signal time. In this particular case, 99<sup>th</sup> Street and Mayflower Drive would have a positive impact. Commerce Drive has a significant pause/event. Matt Brown did not mention that 25% of the traffic going in and out of this site is using Commerce Drive and not forced through this intersection. This is a systems, larger planning. If given a choice, the signal at 99<sup>th</sup> Street would be preferable, and the light at Retail Parkway would be eliminated because, from a systems standpoint, it does not do the same thing the light would at 99<sup>th</sup> Street. The road at 99<sup>th</sup> is a public roadway on the west and ties to Commerce Drive on the east and allows diversion away from the concentration of traffic at 96<sup>th</sup> and Michigan Road. (traffic is not likely to turn left onto Michigan Road without a signal) There is a signal at Retail Parkway and there is no access drive from the east at 99<sup>th</sup> where a signal should really be located.

Further Department Comments, Jon Dobosiewicz. The Department has met with the petitioner. Exhibit F-1, elevation #3—clarification of the color of signage is requested; the petitioner states the color as being bronze. The Department was looking for something closer to the brick on the ground sign and would like to see dark bronze lettering on the ground sign. Cindy Schembre will work with the Department on color numbers. The Department has no additional concerns.

The issue regarding the landscaping proposal—A letter dated August 31<sup>st</sup> from residents within North Augusta and other members of the public in attendance this evening can represent their concerns (Spring Arbor and Ashbrook neighborhoods.)

At this time, public comments were invited.

**Charlie Bunes**, Spring Arbor stated that at this time, there are very few concerns remaining. A tentative agreement has been reached as to what will be done along the property line, although it is not yet in writing. Generally, Spring Arbor residents are pleased. Items to be resolved are species of trees, size and placement; road and the size of the ponds, although it is understood that the County will dictate.

**Frank Macri**, Board member of Spring Arbor HOA stated the residents have met with Duke Realty on two occasions—the consensus of the homeowners polled is that they would like a natural barrier and Duke has worked out a plan that is more than minimal requirements. To date, it seems to be only a matter of ironing out minor details such as the placement of trees, and the residents are open to having some of the trees put into the Spring Arbor greenbelt.

Jerry Chomanczuk asked if there were any location on the property where fencing is included.

Cindy Schembre responded that fencing is not on the perimeter of the Duke property—the fencing is on Ashbrook side, Commerce Drive.

Steve VanSoelen, Ashbrook HOA Board Member, as well as Paul Stanford and Tom Berring, residents of Ashbrook who are most affected by this proposal, were also in attendance. The neighborhood approach is the realization that the area would be developed commercially, however, the homeowners wanted to work with Duke Realty as to the proper transition. Through these discussions, we are there. We do have a fence that will go along Commerce Drive—approximately 500 feet of fence and Ashbrook HOA has agreed to some money for landscaping as well to break up the fence. The other issue discussed was that in the area that affects three or four homeowners facing south towards the pond, some trees will be positioned for maximum screening. All of the commitments need to be in writing.

Jerry Chomanczuk commented that according to the informational materials, a lot of landscaping has been introduced to buffer the loading docks, the back of the buildings, and the site line from the growth.

**Bruce Andis**, North Augusta neighborhood, (and Amber Carson-Crane) submitted a letter listing the remaining concerns. The residents request the following: 1) Installation of a 6-foot, earthen berm along the southern boundary line. 2) New vegetation plantings for additional screening along the southern hedgerow. 3) In addition to deciduous trees that Duke intends to plant, additional vegetation is requested but limited to White Spruce, Norwegian Spruce, White Fir, and Eastern Red Cedar. 4) Installation of a fence not less than six feet high around each pond that Duke excavates. There is also concern regarding wells and septic in North Augusta that any excavation will affect the wells and aquifer. The North Augusta homeowners request that for a period of five (5) years from the date construction begins, Duke will either remediate any affected well or “hook up” the affected residence to a municipal water supply as Duke may determine.

**Tom Berring**, Ashbrook, asked if any consideration were given in the traffic study to eastbound 106<sup>th</sup> Street at the corner of 106<sup>th</sup> & Shelborne. Eastbound traffic at 5:00 PM at this location is backed-up for at least 15 minutes.

John Myers stated that western Clay Township has a one-lane approach to stop signs and it is horrible. It needs to be fixed—there are a lot of intersections out there that need to be fixed.

Jon Dobosiewicz agreed that it is a poor level of service at this location. As the City annexes this area, this location is one of the primary targets for intersection improvements.

Jerry Chomanczuk revisited the access issue to be certain of what Duke is suggesting until Block G is developed and the time frame for development.

Jon Dobosiewicz clarified that Commerce Drive connecting to 96<sup>th</sup> Street is not a Duke issue—it is a Thoroughfare Plan, City of Carmel/Hamilton County issue that is focusing on extending Commerce Drive to 96<sup>th</sup> Street. Duke is only moving forward because the Department is telling

them they must. Duke, through the traffic study, is suggesting that 25% of the traffic that enters this retail area (the Duke site, Target, all the way to 106<sup>th</sup> Street) would enter off Commerce Drive if Commerce Drive were constructed. Commerce Drive would significantly take away a lot of traffic at 96<sup>th</sup> and Michigan Road site—the “pinch point.” The Department is definitely interested in pulling traffic away from this intersection and Commerce Drive is one way of accomplishing that. The fact that Duke is approaching people is only in an effort to expedite the County’s effort in getting that constructed at some point. Duke is not “the bad guy” in this issue. If the residents need someone to turn to and express displeasure about Commerce Drive, it is the City and the County.

Cindy Schembre responded that assuming there is agreement and understanding of the impact of access onto Michigan Road with the signal and extension of Commerce Drive, and the traffic benefits. Duke is only here asking for approval of the Development Plan for the large block and two outlots, Retail Parkway probably serves the purpose for now—when the development is finished, it will not. Duke has agreed that they will construct 99<sup>th</sup> Street all the way through but not make the curb cut. Duke will do all of the work that needs to be done for a signal if a light is warranted, and then construct medians in the areas where the Commission, the DOT, and whoever else is involved says to construct them. However, until Duke actually returns for Development Plan approval and receive DP approval for Block G, the curb cut will not be cut or functional. Duke would like a right in-right out to service the outlots on the property.

#### Committee members Comments & Questions:

Mark Rattermann: The entire area is a TIF district (county.) Who will build 99<sup>th</sup> Street and Commerce Drive, who is paying for the land, is the land dedicated, what construction company will build them, etc.?

Cindy Schembre responded that Duke will be getting a Memorandum of Understanding and will be going before the County Commissioners on September 13<sup>th</sup>. Duke is dedicating its portion free of charge. Duke is tying up the ground and a portion of it will be reimbursable but not all of it. As to how the County will handle the situation—who will constructs it—it will not be Duke unless Duke bids on it, and Duke is not bidding. For clarification, the lights, the roads, they are not being included—it is Commerce Drive all the way through to 96<sup>th</sup> Street. There will be additional right-of-way the County will be required to acquire on 96<sup>th</sup> Street and North Augusta Drive. Duke has met with representatives of six of the homeowners to test whether or not they will want to get contracts together rather than go through the whole process and Duke has been reasonable successful in that.

Mark Rattermann asked for further clarification—the TIF will build Commerce Drive, Duke will build 99<sup>th</sup> Street and dedicate it as a public road to connect to Mayflower and donate it. Commerce Drive will be a right in-right out. There would be a maximum of 9 signs, but it is not likely that would happen. There have been discussions regarding medians on Michigan Road, but no agreement has been reached as yet with INDOT. Jon Dobosiewicz confirmed the median situation. The medians would end just before the southern entrance to the B shops and there would still be access on Michigan Road at the southern entry. The parking lots are all tied together and under one ownership on the west side of the street. It may not be as big an issue,

unless the City decides it is appropriate to have the median tied all the way back 96<sup>th</sup> Street, and that is a possibility.

Mark Rattermann confirmed with Matt Brown that as a traffic engineer, he is a disinterested, third party. Mark Rattermann was shocked to learn that the roads to the west, through Mayflower Park, are private streets. Traffic will be run through a private development and the City will have no control over the roads!! Mayflower Park could put up gates to keep traffic out or limit traffic severely.

Jon Dobosiewicz stated that he would explore the issue but thought Mayflower Park had an agreement with the County regarding access.

Mark Rattermann commented that in the meantime, the City does not have the ability to widen the road, install roundabouts, put in intersections—no ability to do anything!

John Molitor commented that it is not public right-of-way, it is a private drive.

Jon Dobosiewicz said he would solicit input from RCI as well as input from the property owners association because of the maintenance of the roads through an easement.

Mark Rattermann was very concerned that traffic would be allowed to funnel onto private streets and there was “No Way” this would work. Also, the interior traffic lights seem to be the same as Village Park Plaza or Plainfield.

Matt Brown said he did not show a need for an interior signal. A lot of those signals are installed to service users of the development. The distance from 421 to the first intersection is approximately 350 feet. Mark Rattermann said this could end up being a “que(ing) problem.

Jon Dobosiewicz commented that the State would probably condition the signal upon an agreement not to signalize the intersection.

Mark Rattermann said that in looking at this, he sees another Castleton, another Village Park Mall, and was infuriated and disgusted with the amount of traffic that this development will generate in the interior. The “B” shops will create the traffic flow and this will be a bottleneck for years from now, and improvements will have to be made or live with the pain that comes from this.

Mark Rattermann said he had received a telephone call from a resident of North Augusta—he was asked to sell his property. The gentleman said he cannot sleep at night and feels he is being badgered. This is a little upsetting. If this is on-going, Mark Rattermann said he was prepared to sit with the gentleman during the negotiations.

Jerry Chomanczuk said he had had an inquiry from a local citizen wanting to know if the development included a network of sidewalks, walkways or bicycle paths and if that was considered at all in the design.



Cindy Schembre said Duke is required to install sidewalks along 99<sup>th</sup> Street; already behind Target there is a pathway along Commerce Drive. Apparently when the road was put in, it was agreed that until the property was developed, the bike path would not be continued. There was a commitment made by the previous developer to install an asphalt bike path—it is a requirement of the County Highway.

Jerry Chomanczuk revisited the issue of the fence and the safety issue regarding the ponds and what the responsibility of the developer is.

Mary Solada said she had researched this subject, since a similar request had been received from all three neighborhood associations. Ashbrook and Spring Arbor have conceded that it is not really appropriate to request the fencing. Indiana Courts have recently specifically addressed this point about what duty does a landowner have who has installed a retention pond to fence it—the answer is there is not a legal duty to do so. There are certain nuisances that one cannot protect other people or their children other than to educate them. Fencing would also interfere with the wetlands area and there needs to be great sensitivity.

John Molitor commented that he thought the question was directed more towards whether the Ordinance specifies fencing. The Carmel Ordinance does not speak to it and the assumption would be that it is not required.

**Amber Carson-Crane**, 3722 West 98<sup>th</sup> Street, North Augusta, stated that the fencing is more important than ever now because of the addition of sidewalks. Sidewalks will encourage pedestrian traffic and create a park-like setting and will draw pedestrians and bicycle traffic into the area.

**Charlie Bunes** said the residents of Spring Arbor would weigh-in with the residents of North Augusta if there is consideration for fencing around retention ponds near them. The residents would be in favor of fencing around all of the ponds.

Cindy Schembre said that much of what Duke has done in beefing up the vegetation was not just for visibility but was to increase the barrier between the Duke property and the residential property. If fencing is requested around detention ponds, there is a decrease in the entire natural preserve look. Duke is required to post the wetlands area; it is the City and County requirement to install sidewalks, if there will be fences, there is no need for the extra vegetation.

Jon Dobosiewicz responded to Jerry Chomanczuk's questions about signage. The size of signage is comparable to that seen at Merchants Square, Clay Terrace with the building pulled up to the street, etc. The sign sizes along the street would be comparable to the 35 square foot signs along the "B" shop buildings along Michigan Road. The ground signs are comparable to both Clay Terrace and much less than seen at Merchants Square with the sign along Keystone. The building signage along the larger of the two buildings would be comparable to that seen in Merchants Square. The Target sign adjacent to this site is in the neighborhood of 250 to 260 square feet. The Department was not comfortable with the sign sizes, and the developers agreed

to establish the hierarchy of signage. Aesthetically, this gives the Board an idea of how the spaces will be filled.

Jon Dobosiewicz further commented that there is no issue with the font on the signage. However, the Department does request uniformity regarding color of the signs and materials used in the construction of the signs. The monument signs and tenant signs would apply to block G when developed—one tenant per sign. The signage is individual lettering attached to the building. Any dumpster enclosure stored on the tenant site would be included in their plans.

Jerry Chomanczuk asked if any consideration had been given to relocating any wildlife in the area.

**Jeff Wood** stated there are no large mammals in this area—only fish and frogs; Amber Carson was not in agreement and stated there are deer, raccoon, opossum, dens of fox---tons of wildlife!

Regarding the photometrics, Jon Dobosiewicz said he is comfortable with the current revision.

Mark Rattermann asked about the photometrics submitted---Jon Dobosiewicz responded that the photometrics are somewhat different than the original submission because the wallpacks initially were not shielded as proposed in the revision. The issue was the point source illumination and this has now been changed.

Mark Rattermann asked for clarification from John Molitor. What is on the table now is a traffic light and access onto 421—even delayed.

John Molitor gave his understanding. The Committee is not being asked to approve a plan that necessarily incorporates a traffic signal. Question for Ms. Solada—Are you expecting approval that says the City of Carmel approved a development plan that does .....

Ms. Solada: I'll tell you why that is correct. Even though we have to request a variance from the BZA, it should temper—as I understand it—the BZA will defer to the Plan Commission viewpoint. The Commission will be approving a site plan that shows an access in the future with these stipulations: The cut would not be opened until Block G approvals are obtained; the medians will be installed; right in/right out will be relied upon, etc. So, the answer is technically, “Yes.” The Commission would be approving a plan with those stipulations.

Jon Dobosiewicz: The Plan Commission issue is the Development Plan, the BZA issue is another step and INDOT is the third step along the way.

Mark Rattermann said he was not terribly upset by this as much as the traffic light and dumping traffic onto a private street.

John Molitor wondered if INDOT was aware that a private road is a part of this network? Take the traffic off of 96<sup>th</sup> Street and route it north so it gets to the intersection at 99<sup>th</sup> and Michigan Road. INDOT has the final approval.

Jon Dobosiewicz responded that the State constructed the access to 99<sup>th</sup> Street on the west side of Michigan Road—John Molitor said that was only for access for the properties on the west side, not to provide a thoroughfare.

All of Mayflower Park is within Hamilton County. There is a portion that turns to the west and connects to 106<sup>th</sup> Street that is in Boone County.

Mary Solada stated that a meeting was held with INDOT, Jon Dobosiewicz was in attendance, Duke actually applied for the cut, posted a bond, and made application and submitted drawings. Duke is waiting for comments and has been waiting for several weeks.

Jon Dobosiewicz confirmed that he had met with INDOT on three different occasions and discussed this proposal.

At this time, the Committee requested that the petitioner put together a list of conditions attendant to the various requests of the neighbors. Commitments should be drafted and submitted for review.

The petitioner is on the scheduled Agenda for the Special Study Committee meeting on Thursday, September 9, 2004.

There being no further business to come before the Committee, the meeting was adjourned at 8:55 PM.

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Jerry Chomanczuk, Chairperson

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Ramona Hancock, Secretary